

Judge	Rec'd Date	Grv.
<i>W</i>		

For use by inmates in filing a complaint under CIVIL RIGHTS ACT, 42 USC § 1983

**CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED**

INMATE NAME: ORLANDO PELZER

PRISONER NO.: 1184761

PLACE OF CONFINEMENT: Augusta Correctional Center

MAR 07 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JULIA S DUDLEY, CLERK
BY: *Dudley*
DEPUTY CLERK

Orlando Pelzer,

Enter Full Name

Plaintiff

VS.

CIVIL ACTION NO. 7:11-cv-00111

John Garman/Regional Director

Daniel A. Braxton/Warden Of A.C.C.

Alene Meadows/RNCB Of A.C.C.

Judy Roach/RN Of A.C.C.

Enter Full name(s)

Defendant(s)

- A. Have you begun other actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes No No

- B. If your answer to A is Yes, describe the action in the space below.

- ## 1. Parties to the Action:

2. Court:

3 Docket No.:

4. Judge:

5. Disposition:

(For example, is the case still pending? If not, what was the ruling? Was the case appealed?)

- C. Have you filed any grievances regarding the facts of your complaint?

Yes Yes No

1. If your answer is Yes, complete the enclosed verified statement, indicating the result.
Please attach evidence of your exhaustion of all available grievance procedures

2. If your answer is No, indicate the reason for failure to exhaust on the verified statement. You may be required to exhaust your claims through any applicable

grievance procedures. Your complaint may be dismissed if you fail to exhaust all avenues of the grievance process in a timely fashion.

- D. Statement of Claim – State here briefly the facts of your case. Describe what action(s) each defendant took in violation of your constitutional rights. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. Use as much space as needed. You may attach extra paper if necessary.

Claim #1 – Supporting Facts – Tell your story briefly without citing cases or law. “Nurse Roach’s (RN) gross negligence and dereliction of her duties in the capacity of an healthcare provider”.

On about the 5th day of September 2010, I was housed in the medical ward at Augusta Correctional Center recovering from Hernia Repair Surgery which I received at the University Of Virginia. The Surgeon Dr. Carlos Tache-Leon of “UVA” left restrictive orders, which read: No lifting, No exercising, No climbing ect.. Nurse Roach’s blatant disregard to adhere to the Surgeon’s restrictive orders created a precarious situation for me and contemporaneously placed my health at risk, due to the fact I was forced out of the medical ward prematurely and told to carry my property which weighs approximately 100 pounds to the A/B housing unit some odd 120 to 150 yards away from the medical unit.

Claim #2 – Supporting Facts – Tell your story briefly without citing cases or law.
“As a direct result of Nurse Roach’s negligence my incision split open.” I was in total disagreement with Nurse Roach and conceded under protest to her demands and instructions to lift my property, even though I informed her of the extreme pain and discomfort I was feeling in my right groin area each time I attempted to lift my property. Nurse Roach was full abreast to the restrictions set by the Surgeon Carlos Tache-Leon of UVA, and Dr. Marsh MD here at A.C.C.. Even after my complaints about the extreme pain in my lower right groin area, Nurse Roach had me removed from the medical unit and refused me medical care and assistance. I then proceeded to A/B housing unit with my property and took it to cell 17 when I felt my boxer shorts blood soakin and blood running down my leg. I went back into A/B entry way and informed Correctional Officer Dzuba of my situation and showed him my incision area. C/O Dzuba called to inform medical department that blood was running down my leg and I was in dier need of medical attention. I was sent to the medical unit and was refused medical treatment by Nurse Roach once again and sent back to A/B housing unit from medical, with an open bleeding incision.

Claim #3 – Supporting Facts – Tell your story briefly without citing cases or law.

After Nurse Roach refused me medical treatment and I was back in A/B housing unit C/O Dzuba asked me what steps if any did medical take to treat me and stop the bleeding, and I then told him Nurse Roach refused to treat me. In which at about 1:45 pm in the afternoon I tried for an hour or so to contact my family, because I was losing so much blood. I reached them about 3:30p.m. to inform them of my situation, condition, and the circumstances leading up to it. Three (3) hours later C/O Lokey was sent to my cell to check on me because my family members called and spoke with Lt. Sampson (female) who is now Capt. Sampson which informed Nurse Richmond, who informed Dr. Marsh MD who in turn told Nurse Richmond that I was to be prept for a return trip to UVA's ER my incision was open and bleeding for more than six (6) hours and became infected. (Didn't return to UVA until the next day). Due to the infection I had to have a second surgery on the 21st, day of December 2010.

E. State what relief you seek from the Court. Make no legal arguments, cite no cases or statutes.

WHEREFORE, I Orlando Pelzer requests the following relief:

- a. I would like to be awarded punitive damages for the negligent and derelict act of Mrs. Judy Roach RN at the amount of: \$150,000.
- b. I would like to be awarded compensatory damages for having to suffer for a number of months with pain, infection, and ultimately a second surgery at the amount of: \$150,000.

SIGNED THIS 4th DAY OF November, 2010

Orlando Pelzer


(Signature of Each Plaintiff)

VERIFICATION:

I, Orlando Pelzer, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 USC § 1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has three or more occasions, while incarcerated, brought an action or appeal in federal court that are dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of filing fees.

I declare under penalty of perjury the foregoing to be true and correct.

DATED:11-04-10

SIGNED: 



VA DOC NEITHER CENSORED
NOR INSPECTED THIS ITEM AND
ASSUMES NO RESPONSIBILITY
FOR ITS CONTENTS

FROM

To Clerk of Court
United States District for Western
District of Va.
Box 1234
Roanoke, Va. 24010-1234

7009 0820 0000 9550 4991

EXACT DELIVERY GUARANTEED BY THE MAIL
U.S. POSTAL SERVICE

CERTIFIED MAIL



7009 0820 0000 9550 4991